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Federal Communications Commission
Office of the Secretary

ORIGINAL
FILE

May 22, 1992

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M. Street, NW
Washington, D.C. 20554

MAY 26 1992

FCC MAIL BRANCH

RE: CC Docket No. 92-90
Telephone Consumer Protection Act of 1991 (PL 102-243)

Dear Ms. Searcy:

We believe that several of the rules which the Commission is considering for implementation of this Act will have a severely detrimental impact on America's newspapers and on our ability to keep the public abreast of critical local, national and international issues. We have in place an effective, self-policing system to protect telephone consumers from unwanted calls, we believe the FCC should not implement a national data base of off limits numbers and we request exemption from the ban on pre-recorded or artificial voice calls made for debt collection or informational purposes.

Here at the San Bernardino County Sun, we strive to meet the needs and expectations of the entire population of our county. We are expected to keep the citizens of our local community fully informed about political, civic, and economic matters of vital interest to them. We conduct frequent "Town Hall" meetings, opinion polls and surveys through which our consumers and citizens tell us what their expectations, concerns and objections are. They are actively involved in shaping our product and our policies. Through their input, we place a strong emphasis on providing accurate, up to date local news about each neighborhood and town.

Telemarketing is the only way for us to canvas the wide area which we serve. San Bernardino County is the largest county in the United States and in 1991, 78.9% of our new subscribers joined our growing family through our telemarketing efforts. In response to our readers, we canvas each telephone prefix no more than four times a year. Consumers may request that they receive no calls and we immediately exclude their numbers from our calling lists. In addition, we exclude all hospitals, emergency numbers such as police and fire stations, as well as major business, government agency, cellular, mobile and paging numbers from our calling lists. The numbers remain in our "Don't Call" lists permanently unless a consumer specifically requests re-contact or the number is re-assigned by the telephone company.



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In 1991, we made 887,376 calls and received less than 100 complaints about our Telemarketing efforts. Thus, 99.9% of our contacts with consumers met their expectations and our standards.

The local area which we serve is highly mobile and is one of the fastest growing areas in the nation. Our telephone dialing system is a vital tool in properly reaching and serving this shifting and expanding population. In the case of our newspaper, implementation of a national database of consumers not wishing to receive solicitation calls will be tantamount to a solution for which there is no problem. The data would certainly be out of date by the time it was compiled because of the previously mentioned shifting population. We believe that the Commission's efforts must be directed only at those organizations creating problems rather than at responsible businesses serving vital consumer needs. One of the first things consumers want when moving to a new address is information about their community. We must retain the ability to contact them so as to determine their interest in our local newspaper and the information we provide from which they can benefit.

Telephone subscribers will opt to not receive telemarketing calls thinking they will be shielded from objectional solicitations. They may not realize that they will be barring contact with a self-policing business such as our newspaper, which they might welcome, while remaining exposed to unscrupulous businesses who will ignore the law and will call them anyway. Thus, the consumer will not, in reality, be protected from fly-by-night telephone solicitors but, instead will be cut off from a business that has served their community for over 98 years.

The proposed rules prohibit us from making calls using artificial or pre-recorded voice machines. We do not use such techniques to secure new subscribers, but we are considering use of recorded calls for debt collection purposes. This function would involve contact with consumers with whom we have an established business relationship. We also plan to test use of a recorded message when our power dialing system reaches a consumer and there is no sales representative available to talk with them. While we are able to control this occurrence to fewer than .1% of our calls, we feel it is appropriate to identify our newspaper and, to apologize to the consumer for the interruption. We would like to see both of these options preserved.

3.

We strongly urge the FCC:

1. To allow us to continue our successful self-policing efforts in maintaining "Don't Call" lists;
2. Do not implement a national database of off limits telephone numbers;
3. Do exempt from the rules, pre-recorded or artificial voice calls made for debt collection purposes or to inform telephone consumers when a sales representative is unavailable.

We look forward to favorable consideration by the Commission of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Michael Jelley". The signature is fluid and cursive, with a large initial "F" and a stylized "J".

F. Michael Jelley
Sales and Marketing Manager